

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CrlA(S) No. 11/2025 CrIM 1222/2025

Habibullah Kumar

... Appellants

Through: Mr. Mehraj Din Sofi, Advocate with
Mr. Ibrahim Meraj, Advocate.

Vs.

**Union Territory Th. Police
Station Vigilance Organization
Kashmir.**

...Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE.

ORDER
26.08.2025

CrlA(S) No. 11/2025

1. Notice returnable within a period of three weeks upon steps within one week.
2. List on 29.09.2025.

CrIM 1222/2025

1. Issue notice as above.
2. Through the medium of the instant application, the appellant-applicant herein is seeking suspension of conviction and sentence passed against him by the Court of Special Judge Anti Corruption Anantnag whereby the appellant-applicant herein has been convicted and sentenced for a period of two years' simple imprisonment.
3. According to the counsel for the appellant-applicant herein, the trial court passed the impugned judgment and sentence without appreciating the evidence on record and the inconsistencies in the testimonies of the prosecution witnesses and even did not follow the mandate of Section 242 Cr. PC in its true perspective

and in the process denied the appellant-applicant herein the opportunity to have a fair trial.

4. The counsel for the appellant-applicant would further contend that the Trial Court also overlooked the fundamental lacunas in the prosecution case regarding the non-signing of the initial complaint as also the absence of independent corroboration qua the offence the appellant-applicant was charged with.

Heard the counsel for the appellant-applicant and perused the record.

5. A case for grant of indulgence is made out.

6. In the meantime, while staying the sentence impugned in the accompanying appeal, the appellant-applicant herein is directed to be released on bail by the Superintendent/Incharge District Jail, Anantnag, subject to following conditions:

- 1) That the applicant shall furnish bail bond to the sum of Rs. 20,000/- with one surety of the like amount before the concerned Jail Authority.
- 2) The applicant shall not leave the territorial jurisdiction of this Court without the prior permission.
- 3) That the applicant shall remain present on each and every date of hearing before this Court.

Copy of this Order shall be provided to the counsel for the appellant-applicant under the seal and signature of Bench Secretary/Secretary today.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR:

26.08.2025

"Shahid Manzoor"